

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROGER DEAN BANDY,

Plaintiff,

v.

ADVANCE AUTO PARTS, INC.,

Defendant.

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Case No: 7:11-cv-000365(JCT)

NOTICE OF APPEAL

COMES NOW, the Plaintiff, Roger Dean Bandy, by counsel, and presents this Notice of Appeal to the Court. The Plaintiff hereby gives notice of the intention to appeal the following:

1. The Court's March 6, 2012 Order in the above-captioned case granting in part and denying in part the Defendant's Motion to Dismiss and Motion to Strike.
2. The November 29, 2012 Final Order entered by this Court, in the above-captioned case, granting the Defendant's Motion for Summary Judgment.

The Plaintiff appeals these matters to the United States Court of Appeals for the Fourth Circuit.

Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of December, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Attorney for the Defendant:

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